

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

WP(C).No. 19834 of 2007(J)

OS.764/1992 of ADDL.MUNSIFF COURT, PALAKKAD
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PETITIONER:

M.A.KAMARUDHEEN,
S/O.ABBAS, AGED 57, ABBAS MANZIL, MANJAKKULAM,
PALAKKAD.

BY ADV. SRI.TOM K.THOMAS

RESPONDENTS:

MOHAMMED IBRAHIM,
S/O.ABDUL RAHIMAN MUSALIAR,
ARAKKAL HOUSE, MANJAKKULAM, PALAKKAD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

M.N.KRISHNAN, J.

WP(C)No. 19834 OF 2007 J

Dated this the 28th June, 2007.

JUDGMENT

This writ petition is filed seeking a direction to the Munsiff Court, Palakkad to issue emergent carbon copy of the order in I.A.1694/07 in O.S.764/92 and to restrain the said court from enforcing the order in I.A.1694/07 for a period of fifteen days from 27.6.2007.

2. Heard learned counsel for the writ petitioner.

3. The original plaintiff died and his legal heir has been impleaded. It is the contention of the defendant that he is not entitled to succeed to the original plaintiff and therefore, he is not entitled to any benefits and so under the guise of just impleadment he may not be permitted to withdraw the amount that is lying in court deposit. The apprehension needs consideration. Therefore, the writ petition is disposed of directing the Munsiff, Palakkad to issue carbon copy at the earliest and keep the implementation of the order in I.A.1694/07 in abeyance for a period of two weeks from today so as to enable the petitioner to take appropriate legal remedies against the order passed.

M.N.KRISHNAN
Judge